

# MEMO ENDORSED

July 22, 2019

Hon. Katherine Polk Failla  
United States District Judge  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

**Re: Settlement of potential claims or potential motions that Defendants have arising out of the Court's findings in *Marcelino v. 374 Food Inc. et al.*, 16 Civ. 06287**

Judge Failla:

Defendants 374 Food Inc., Hayim Tsadok, and Tiran Tsadok, by their undersigned counsel, and Michael Faillace & Associates, P.C., and Michael Faillace (collectively, referred to as "Faillace"), by their attorney, Michael S. Ross, Esq., have reached a settlement of the potential claims and/or potential motions arising out of the Court's findings of perjury in *Castillo Marcelino v. 374 Food Inc. et al.*, 16 Civ. 06287. Pursuant to the settlement, Defendants (and your undersigned counsel) agree not to pursue any claims or file any motions against Faillace, the Faillace firm's current and/or former associates, and/or Plaintiff Castillo Marcelino except for a motion to set aside judgment pursuant to Rule 60 of the Federal Rules of Civil Procedure or pursuant to the Court's inherent power.

Sincerely,

/s/ Brian Lehman

Brian Lehman

Lehman LG LLC

Counsel for Defendants 374 Food Inc.,  
Hayim Tsadok, and Tiran Tsadok

cc: all counsel of record  
by CM/ECF

The Court is in receipt of the parties' letter and is pleased to learn of the settlement of potential claims. The Court had stayed the case and ordered the appointment of *pro bono* counsel for Plaintiff Castillo Marcelino and continues to await further developments regarding this effort. (Dkt. #106). However, given the parties' settlement may moot some of the need for further litigation involving Plaintiff, the Court hereby ORDERS Defendant and Plaintiff's former counsel, Michael Faillace & Associates, P.C., to submit a joint letter on or before August 6, 2019, to propose a potential briefing schedule on a motion to set aside judgment or alternative measures to bring this case to conclusion.

Dated: July 23, 2019  
New York, New York.

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE